

109TH CONGRESS  
1ST SESSION

# S. 316

A bill to limit authority to delay notice of search warrants.

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IN THE SENATE OF THE UNITED STATES

FEBRUARY 8, 2005

Mr. FEINGOLD introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

A bill to limit authority to delay notice of search warrants.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Reasonable Notice and  
5 Search Act”.

6 **SEC. 2. LIMITATION ON AUTHORITY TO DELAY NOTICE OF**  
7 **SEARCH WARRANTS.**

8 Section 3103a of title 18, United States Code, is  
9 amended—

10 (1) in subsection (b)—

11 (A) in paragraph (1), by striking “may  
12 have an adverse result (as defined in section

1           2705)” and inserting “will endanger the life or  
2           physical safety of an individual, result in flight  
3           from prosecution, result in the destruction of or  
4           tampering with the evidence sought under the  
5           warrant, or result in intimidation of potential  
6           witnesses”; and

7           (B) in paragraph (3), by striking “a rea-  
8           sonable period” and all that follows and insert-  
9           ing “7 calendar days, which period, upon appli-  
10          cation of the Attorney General, the Deputy At-  
11          torney General, or an Associate Attorney Gen-  
12          eral, may thereafter be extended by the court  
13          for additional periods of up to 7 calendar days  
14          each if the court finds, for each application,  
15          reasonable cause to believe that notice of the  
16          execution of the warrant will endanger the life  
17          or physical safety of an individual, result in  
18          flight from prosecution, result in the destruc-  
19          tion of or tampering with the evidence sought  
20          under the warrant, or result in intimidation of  
21          potential witnesses.”; and

22          (2) by adding at the end the following:

23          “(c) REPORTS.—

24                 “(1) IN GENERAL.—On a semiannual basis, the  
25          Attorney General shall transmit to Congress and

1 make public a report concerning all requests for  
2 delays of notice, and for extensions of delays of no-  
3 tice, with respect to warrants under subsection (b).

4 “(2) CONTENTS.—Each report under para-  
5 graph (1) shall include, with respect to the preceding  
6 6-month period—

7 “(A) the total number of requests for  
8 delays of notice with respect to warrants under  
9 subsection (b);

10 “(B) the total number of such requests  
11 granted or denied;

12 “(C) for each request for delayed notice  
13 that was granted, the total number of applica-  
14 tions for extensions of the delay of notice and  
15 the total number of such extensions granted or  
16 denied; and

17 “(D) on an aggregate basis, the nature of  
18 the crime being investigated for each request  
19 for delay of notice that was granted or de-  
20 nied.”.

21 **SEC. 3. SUNSET ON DELAYED NOTICE AUTHORITY.**

22 (a) PATRIOT ACT.—Section 224(a) of the USA PA-  
23 TRIOT Act of 2001 (Public Law 107–56; 115 Stat. 295)  
24 is amended by striking “213,”.

1       (b) AMENDMENTS.—The amendments made by this  
2 Act shall sunset as provided in section 224 of the USA  
3 PATRIOT Act of 2001.

